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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,410	01/09/2002	Yung-Hsin Chen	CHEN3324/EM	2295

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EXAMINER	
LEZAK, ARRIENNE M	
ART UNIT	**PAPER NUMBER**
2143	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,410	CHEN, YUNG-HSIN	
	Examiner	Art Unit	
	Arrienne M. Lezak	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Examiner notes that Claims 1, 2, 7 & 9 have been amended, and no claims have been cancelled or added. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 12 April 2005 as reiterated herein below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. US 2004/0123302 A1 to Lo in view of US Patent US 6,526,442 B1 to Stupek.

3. Regarding Claim 1, Lo discloses a method for effecting a Web-based network manager using a Web configuration, the method comprising:

- establishing a domain consisting of a workstation and at least one network device, (paragraphs #0058-0059 & 0066);
- communicating between the workstation and a Web agent on each network device through a HTTP (Hypertext Transfer Protocol), (paragraphs #0058-0059 & 0066); and

- enabling a manager database module and a manager process module of the workstation to communicate with each said network device using a Web browser, (paragraph #0079).

4. Examiner finds that Lo clearly describes the use of hyperlinks within HTML pages, (Lo – paragraphs #0005-0006), wherein it would have been obvious to enable use of hypertext contained in at least one HTML file to activate a Web browser and hyperlink to a web page served by said Web agent, said web page associated with a respective one of said network devices, as Lo clearly teaches a customized output web page, (Lo – paragraph #0056). Additionally, Examiner notes that it would have been obvious to use the display means to display status information of all of the network devices in the domain, on the workstation, for facilitating management by a Web manager, as again, Lo clearly teaches a customized output web page, (Lo – paragraph #0056), which web page could obviously contain any information necessary to facilitate proper web management.

5. That noted, Examiner additionally cites Stupek, which clearly teaches web pages incorporating hyperlinks, in addition to the display of status information pertaining to network devices, which status information is stored and updated within a database, (Fig. 14D; Cols. 1-5; Col. 6, lines 1-32; Col. 16, lines 10-63; & Col. 20, lines 2-16). It would have been obvious to incorporate the specific teachings of Stupek into the Lo invention as noted within Lo's teaching of a customized output web page, (Lo- paragraph #0056), and Stupek's teaching of the need for remote network management across an Internet using a web browser, wherein there is flexibility in the display of management data, (i.e.:

customized output web pages). Thus, Claim 1 is found to be unpatentable over the combined teachings of Lo and Stupek.

6. Regarding Claim 2, the combined teachings of Lo and Stupek are relied upon as noted herein. Both Lo and Stupek further disclose wherein the workstation serves as the Web manager, and the manager database module acts to store status changes of the network devices in the domain and relevant query results and establish a domain structure diagram and a status diagram using information contained in the manager database module, (Lo – paragraph #0079), (Stupek – Col. 5, lines 5-67 & Col. 6, lines 1-32), (Examiner notes that it would have been obvious to display the domain and relevant status information in diagram form for flexibility in the display of management data, (Stupek – Col. 1, lines 48-52). Thus, Claim 2 is found to be unpatentable over the combined teachings of Lo and Stupek.

7. Regarding Claim 3, the combined teachings of Lo and Stupek are relied upon as noted herein. Both Lo and Stupek further disclose wherein the manager process module acts to provide a management procedure required by nodes in each network device so as to obtain node data about each network device, (Lo – paragraphs #0066-0074), (Stupek – Col. 5, lines 5-67 & Col. 6, lines 1-32). Thus, Claim 3 is found to be unpatentable over the combined teachings of Lo and Stupek.

8. Regarding Claim 4, the combined teachings of Lo and Stupek are relied upon as noted herein. Both Lo and Stupek further disclose a HTTP process module being operative to connect to the nodes in each network device through the HTTP, (Lo –

Abstract), (Stupek – Col. 4, lines 37-50). Thus, Claim 4 is found to be unpatentable over the combined teachings of Lo and Stupek.

9. Regarding Claim 5, the combined teachings of Lo and Stupek are relied upon as noted herein. Both Lo and Stupek further disclose a Web agent on each network device acts to process a Web server, (Lo - #0078), (Stupek – Col. 4, lines 7-65). Thus, Claim 5 is found to be unpatentable over the combined teachings of Lo and Stupek.

10. Regarding Claim 6, the combined teachings of Lo and Stupek are relied upon as noted herein. Both Lo and Stupek further disclose wherein the workstation acts to issue a request and polling message to each network device having the web agent in the domain so as to obtain information about each node on each network device, (Lo – paragraphs #0074-0079), (Stupek – Fig. 14A; Col. 5, lines 40-67; Col. 6, lines 1-32; & Col. 16, lines 10-63). Thus, Claim 6 is found to be unpatentable over the combined teachings of Lo and Stupek.

11. Regarding Claim 7, the combined teachings of Lo and Stupek are relied upon as noted herein. Both Lo and Stupek further disclose wherein every predetermined period of time the HTTP process module acts to request each network device to read data about the Web agent thereof by polling and send back a packet required by the Web agent, (Lo – paragraphs #0067-0074), (Stupek – Fig. 14A; Col. 5, lines 40-67; Col. 6, lines 1-32; & Col. 16, lines 10-63). Thus, Claim 7 is found to be unpatentable over the combined teachings of Lo and Stupek.

12. Regarding Claim 8, the combined teachings of Lo and Stupek are relied upon as noted herein. Both Lo and Stupek further disclose wherein after the manager process

module has received the sent back packet, an analysis is performed on the packet for obtaining correct information about IPs of the nodes, status, throughput, and distribution of each network device in the domain, thereby updating the manager database module in the workstation, (Lo – paragraphs #0078-0090), (Stupek – Fig. 14A; Col. 5, lines 40-67; Col. 6, lines 1-32; & Col. 16, lines 10-63). Thus, Claim 8 is found to be unpatentable over the combined teachings of Lo and Stupek.

13. Regarding Claim 9, the combined teachings of Lo and Stupek are relied upon as noted herein. Both Lo and Stupek further disclose wherein the manager process module acts to read a HTML file from a specific directory in the manager database module and display the same on the workstation to enable said hyperlink, (Lo – paragraph #0005), (Stupek – Fig. 14A; Col. 5, lines 40-67; Col. 6, lines 1-32; & Col. 16, lines 10-63). Thus, Claim 9 is found to be unpatentable over the combined teachings of Lo and Stupek.

14. Regarding Claim 10, the combined teachings of Lo and Stupek are relied upon as noted herein. Both Lo and Stupek further disclose wherein the sent back packet obviously comprises a basic information for containing data about the packets of the Web agent consisting of type, version, location, power on time, and device name; an interface for containing data about the packets regarding the number of communication interfaces of the Web agent having a data structure of an array; and a traffic for containing data about the packets regarding throughput, type, and count of the traffic of the Web agent having a data structure containing throughput and status of each communication interface on the Web agent, (Lo – paragraphs #0070-0078), (Stupek –

Fig. 14A; Col. 5, lines 40-67; Col. 6, lines 1-32; & Col. 16, lines 10-63). Thus, Claim 10 is found to be unpatentable over the combined teachings of Lo and Stupek.

Response to Arguments

15. Applicant's arguments filed 12 July 2005, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.

16. Regarding Applicant's argument that Lo could use hyper-linking to access the API interface, Examiner agrees, noting that the same would have been obvious as incorporated within Lo alone or as part of the combined teachings of Lo and Stupek, as noted herein above. Additionally, In response to applicant's argument that the Lo system and the system of the claimed invention have entirely different objectives and concern different problems, Examiner notes that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Moreover, Examiner notes that it is now the combined teachings of Lo and Stupek that must be considered in their entirety when determining the patentability of Applicant's claimed invention. As noted herein above, the combined teachings of Lo and Stupek clearly and obviously render Applicant's claimed invention unpatentable.

17. Examiner has addressed Applicant's Amendment, and has further rejected all claims, as noted herein above. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143d

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